

REMARKS

Claims 1-23 and 31-38 are pending in this application. Claims 1 and 31-38 are amended. Claims 24-30 have been cancelled. Applicant thanks the Examiner for indicating that claims 23 and 32-37 are allowed and that claims 3-11, 15, 18 and 19 would be allowable if rewritten in independent form to include the limitations of any intervening dependent claims. Applicant has amended claims 31-38 to correct the claim numbering.

The Examiner rejected claims 1, 2, 12, 13, 16, 17, 20, 31 and 38 under 35 U.S.C. § 102(e) as being anticipated by Dereume et al. (U.S. Patent No. 5,723,004). The Examiner also rejected claims 1, 2, 12, 13, 14, 17, 20-22, 31 and 38 under 35 U.S.C. § 102(e) as being anticipated by Leonhardt et al. (U.S. Patent No. 6,280,467). Applicant respectfully traverses the rejections.

Neither Dereume nor Leonhardt teach or suggest the invention claimed in independent claims 1 or 38 or the claims that depend from claim 1. Dereume and Leonhardt disclose stent graft devices designed to be delivered endoluminally within a vessel and implanted entirely within the vessel. The devices of Dereume and Leonhardt are used to treat abdominal aorta aneurysms (AAAs), for example.

Applicant has amended claims 1 and 38 to further distinguish from the AAA devices disclosed in Dereume and Leonhardt. As amended, independent claims 1 and 38 each claim, among other elements: a graft vessel having an end portion *and a proximal portion*, and a coupling member attached to the graft vessel, and wherein *the proximal portion of the graft vessel extends outside the target vessel* when the coupling member is in its expanded state. Thus, unlike Dereume or Leonhardt where the graft vessel is contained entirely within the target vessel when the coupling member is expanded, the claimed invention includes a graft vessel that has a proximal portion that extends outside of the target vessel when the coupling member is in the expanded state. Applicant submits that the claims, as amended, define over Dereume and Leonhardt and request the Examiner to withdraw the rejections under 35 U.S.C. § 102(e), and the rejection to claim 16 under 35 U.S.C. § 103.

The Examiner is requested to telephone the undersigned if a discussion would further the prosecution of the pending claims.

Respectfully submitted,

By: BS T  
Brian S. Tomko  
Reg. No. 41,349

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
(732) 524-1239  
Dated: September 19, 2003